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E.O. 12958: DECL: 05/01/2018
TAGS: UNGA GE PREL
SUBJECT: DEMARCHE REQUEST: URGING WESTERN FRIENDS' SUPPORT FOR GEORGIAN IDP AND REFUGEE RESOLUTION

Classified By: IO PDAS James B. Warlick, for reasons 1.4 (b) and (d).

¶1. This is an action request. Department requests that Embassies London, Paris, and Berlin urge host governments to vote in support of the Georgian UN General Assembly (UNGA) resolution on internally displaced persons (IDPs) and refugees currently scheduled for consideration around May 9. Post should pursue the objectives in para 2 below with MFA IO Assistant Secretary equivalents. The German, British, and French Friends of Georgia have previously indicated support for this resolution; therefore, delivery to EUR Directors is at Posts' discretion. Post may draw from the background material in para 4 - 8 below when delivering this demarche. End action request.

¶2. (U) Department requests posts pursue the following objectives:

-- Urge support for the Georgian IDP UNGA resolution, drawing on the background in para 4-8 below.

-- For IO-equivalent interlocutors: Underscore agreement with concerns about eroding the division of competencies between the UN General Assembly and the UN Security Council, but explain this is not the time to stand on principle. We are willing to work with the Georgians on the text of the resolution so that it will not contain &recommendations."

-- For EUR-equivalent interlocutors: Note that we have long hoped to see an IDP and refugee resolution from Georgia because IDP and refugee return is a core issue of the Abkhazia conflict. Failure to address this issue is a primary reason why the UN settlement talks are frozen and the Georgian government is losing faith in the Friends' process at a time when it needs Western support.

¶3. (U) Point of Contact/Reporting Deadline: Posts should report the results of this demarche to Anneliese Reinemeyer in IO/UNP (202 647-0046 or in the GAL) by Wednesday, May 7. Please send an info copy of the response to USUN.

Background

¶4. (SBU) Georgia plans to table its IDP and refugee resolution in the UNGA on/around Friday, May 9. The Georgian Mission is reluctant to delay the vote for fear that it will not be able to secure another discussion before Georgia's May 21 election. The Mission noted that it had pulled the resolution previously at our request (in the fall of 2007) but would lose credibility if it did so again. Therefore, we

do not anticipate that Georgia will delay consideration of its resolution.

¶ 15. (C) While the western Friends (UK, France, Germany, and the U.S.) originally planned to support the resolution, the UK, France, and Germany are now opposed for reasons of principle and refuse to even discuss the content of the resolution with the Georgians. The issue of principle concerns the divide in competencies between the UN Security Council and the UN General Assembly. Article 12 of the UN Charter provides that the UNGA shall not make any recommendations with regard to a dispute or situation while the Security Council is exercising its Charter functions in respect of the dispute or situation. The UK, France and Germany have thus taken the position that the UNGA should not adopt this resolution because the UNSC is already "seized" with the situation in Georgia, therefore, the UNGA should not deal with this issue. At the same time, the UK Mission in NY reports that Georgia cannot make any changes to the resolution that will make it acceptable to the UK -- ever. As a result, the UK will likely abstain while making a strong statement in support of Georgian territorial integrity. The French Mission told USUN "the timing and idea of this initiative are appalling . . . It will harm relations between the UNGA and UNSC and make it more difficult for the UNSC to defend its competency." The French Mission has indicated that, in the best case scenario, France will abstain. Based on reporting from the UK Mission, Germany also plans to abstain.

¶ 16. (SBU) The Department did consider the Article 12 issue and also had concerns. In principle, we agree that Article 12 should play an important role in delineating the respective roles of the General Assembly and the Security Council, and that we and the international community have a strong interest in rolling back erosion that has occurred over time. That said, the General Assembly has in fact adopted resolutions that would appear to encroach on the principles that we believe should apply under Article 12 on numerous occasions. Article 12 does not prevent the UNGA from adopting resolutions on issues covered by the UNSC as long as they do not contain recommendations.

¶ 17. (SBU) We would like to refocus the UK, France, and Germany on how this resolution fits into our larger policy on Georgia. We fear that the UK, France, and Germany would be sending a very negative signal of their lack of support to the Georgians by abstaining, especially in light of Russia's recent actions including:

-- withdrawal from CIS sanctions on Abkhazia on March 6,
-- Putin's instructions to Russian ministries to establish relations with their counterparts in Abkhazia on April 16,
-- the downing of a Georgian UAV apparently by a Russian fighter on April 20, and
-- the Russian decision to increase peacekeepers in Abkhazia without advance notification on April 29.

Georgian buy-in to the UN-chaired Friends of the Secretary General (FOSG) peace process is at an all-time low due to a complete standstill in the negotiations. The current bottom-up approach on developing CBMs is not working. We believe that the FOSG need to refocus on the core issues of a political settlement of Abkhazia's status and IDP and refugee returns, and this resolution helps to do this.

¶ 18. (SBU) At the same time, we would like to do everything possible to maintain Friends, unity, in order to ensure that a Georgian victory in the UN does not turn into a devastating embarrassment for Georgia. It is possible that Georgia may be able to secure enough votes to approve the resolution, but if the western Friends oppose the resolution, the abstentions may far outnumber the votes to approve. Russia could exploit the result as a lack of support for Georgia, and the Friends process would be further weakened. While we fully understand the concerns about maintaining a divide between the mandated functions of the UNSC and the UNGA, we do not feel that we should make that

issue the focus here, or that this resolution threatens or undermines the efforts of the UNSC in Georgia in any tangible way. Rather, in our view, the resolution would further the Friends' overall goals for moving the Georgian peace process forward.

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